

An Bille um an Aonú Leasú is Fiche
ar an mBunreacht (Uimh. 5), 1999

Twenty-First Amendment of the
Constitution (No. 5) Bill, 1999

Mar a tionscnaíodh
As initiated



**TWENTY-FIRST AMENDMENT OF THE CONSTITUTION
(NO. 5) BILL, 1999**

As initiated

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Article 41 of the Constitution.
2. Citation.

SCHEDULE

Part 1

Part 2



**AN BILLE UM AN AONÚ LEASÚ IS FICHE AR AN
mBUNREACT (UIMH. 5), 1999**

Mar a tionscnaíodh

RIAR NA nALT

Alt

1. Airteagal 41 den Bhunreacht a leasú.
2. Lua.

AN SCEIDEAL

Cuid 1

Cuid 2



**TWENTY-FIRST AMENDMENT OF THE CONSTITUTION
(NO. 5) BILL, 1999**

BILL

entitled

AN ACT TO AMEND THE CONSTITUTION.

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WHEREAS by virtue of Article 46 of the Constitution any provision of the Constitution may be amended in the manner provided by that Article:

AND WHEREAS it is proposed to amend Article 41 of the Constitution:

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BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Amendment of
Article 41 of the
Constitution.

1.—Article 41 of the Constitution is hereby amended as follows:

- (a) the section the text of which is set out in *Part 1* of the *Schedule* to this Act shall be inserted after section 3 of the Irish text of the said Article, and 15
- (b) the section the text of which is set out in *Part 2* of the *Schedule* to this Act shall be inserted after section 3 of the English text of the said Article.

Citation.

2.—(1) The amendment of the Constitution effected by this Act shall be called the Twenty-First Amendment of the Constitution. 20

(2) This Act may be cited as the Twenty-First Amendment of the Constitution Act, 1999.



AN BILLE UM AN AONÚ LEASÚ IS FICHE AR AN
mBUNREACTH (UIMH. 5), 1999

BILLE

dá ngairtear

5 ACHT CHUN AN BUNREACTH A LEASÚ.

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreacht, foráil ar bith den Bhunreacht a leasú ar an modh a shocraítear leis an Airteagal sin:

10 AGUS DE BHRÍ go bhfuil beartaithe Airteagal 41 den Bhunreacht a leasú:

ACHTAÍTEAR AG AN OIREACHTAS AR AN ÁBHAR SIN
MAR A LEANAS:

1.—Leasaítear leis seo mar a leanas Airteagal 41 den Bhunreacht: Airteagal 41 den
Bhunreacht a leasú.

15 (a) cuirfear an t-alt a bhfuil an téacs de leagtha amach i *gCuid 1* den *Sceideal* a ghabhann leis an Acht seo isteach i ndiaidh alt 3 den téacs Gaeilge den Airteagal sin, agus

(b) cuirfear an t-alt a bhfuil an téacs de leagtha amach i *gCuid 2* den *Sceideal* a ghabhann leis an Acht seo isteach i ndiaidh alt 3 den téacs Sacs-Bhéarla den Airteagal sin.

20 2.—(1) An tAonú Leasú is Fiche ar an mBunreacht a thabharfar Lua.
ar an leasú a dhéantar ar an mBunreacht leis an Acht seo.

(2) Féadfar an tAcht um an Aonú Leasú is Fiche ar an mBunreacht, 1999, a ghairm den Acht seo.

SCHEDULE

Part 1

4. Ráthaíonn an Stát gan cur isteach lena dhlíthe ar chearta an linbh, agus ráthaíonn fós na cearta sin a chosaint agus a shuíomh lena dhlíthe sa mhéid gur féidir é, ag féachaint go cuí do chaighdeáin dlí idirnáisiúnta agus, go sonrach, do Choinbhinsiún na Náisiún Aontaithe um Chearta an Linbh, agus áireofar ar na cearta sin:
- 5
- i. an ceart chun go measfar gurb é leas an linbh an chéad ní agus an ní is tábhachtaí ar a dtabharfar aird in aon bhreith a bhaineann leis an leanbh; 10
 - ii. an ceart chun fios a bheith aige nó aici cé hiad a thuismitheoirí nó a thuismitheoirí agus sa mhéid gur féidir é chun gurb iad a thuismitheoirí nó a thuismitheoirí agus gach duine díobh a thógfaidh é nó í, faoi chuimsiú cibé srianta a fhorordófar le dlí ar mhaithe le leas an linbh; agus 15
 - iii. an ceart go bhféachfar go cuí dá thuairimí nó dá tuairimí in aon bhreith a bhaineann leis an leanbh.

Part 2

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4. The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the rights of the child, having due regard to international legal standards and in particular to the United Nations Convention on the Rights of the Child, which rights shall include:
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- i. the right to have his or her best interests regarded as the first and paramount consideration in any decision concerning the child;
 - ii. the right to know the identity of his or her parents and as far as practicable to be reared by his or her parents and each of them, subject to such limitations as may be prescribed by law in the interests of the child; and 30
 - iii. the right to have due regard given to his or her views in any decision concerning the child.

Cuid 1

- 5 4. Ráthaíonn an Stát gan cur isteach lena dhlíthe ar chearta an linbh, agus ráthaíonn fós na cearta sin a chosaint agus a shuíomh lena dhlíthe sa mhéid gur feidir é, ag féachaint go cuí do chaighdeáin dlí idirnáisiúnta agus, go sonrach, do Choinbhinsiún na Náisiún Aontaithe um Chearta an Linbh, agus áireofar ar na cearta sin:
- 10 i. an ceart chun go measfar gurb é leas an linbh an chéad ní agus an ní is tábhachtaí ar a dtabharfar aird in aon bhreith a bhaineann leis an leanbh;
- 15 ii. an ceart chun fios a bheith aige nó aici cé hiad a thuismitheoirí nó a thuismitheoirí agus sa mhéid gur féidir é chun gurb iad a thuismitheoirí nó a thuismitheoirí agus gach duine díobh a thógfaidh é nó í, faoi chuimsiú cibé srianta a fhorordófar le dlí ar mhaithe le leas an linbh; agus
- iii. an ceart go bhféachfar go cuí dá thuairimí nó dá tuairimí in aon bhreith a bhaineann leis an leanbh.

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Cuid 2

- 25 4. The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the rights of the child, having due regard to international legal standards and in particular to the United Nations Convention on the Rights of the Child, which rights shall include:
- 30 i. the right to have his or her best interests regarded as the first and paramount consideration in any decision concerning the child;
- ii. the right to know the identity of his or her parents and as far as practicable to be reared by his or her parents and each of them, subject to such limitations as may be prescribed by law in the interests of the child; and
- iii. the right to have due regard given to his or her views in any decision concerning the child.